Black Caucus Asked For Probe Of Malcolm X Murder SEE PAGE 3

THE BLACK PANTHER

INTERCOMMUNAL NEWS SERVICE

PUBLISHED BIWEEKLY BY THE BLACK PANTHER PARTY

VOL. XIX NO. 9 MONDAY, JULY 23—SUNDAY, AUGUST 5, 1979

25¢



HUEY P. NEWTON: "THE D.A. HAS BRIBED THE PROSECUTION WITNESSES"

(Oakland, Calif.) - "I accuse the district attorney's office of criminality. I accuse it of the lowest form of criminality because they are supposed to represent the community as public officials."

At a press conference held two weeks before his retrial on the trumped-up Kathleen Smith murder case was scheduled to begin, Black Panther Party President President Huey P. Newton charged that Alameda County District Attorney Lowell Jensen has "bribed and paid off" all the witnesses against the BPP founder in his desperation to convict him.

"The whole thing stinks of a deal," Huey said concerning the recent dismissal and reduction of serious felony chages against Mozell Mitchell, the pimp girlfriend of Crystal Grey, the "star" prosecution witness in the case.



BPP President HUEY P. NEWTON (right) and co-counsel LUKE ELLIS at press conference.

Luke Ellis, co-counsel for the BPP leader, told the press that on June 21, Mitchell was allowed to plead guilty to voluntary manslaughter in connection with the killing of a child in early 1978.

Grey, seeking to protect her lover, "confessed" to police in February of last year that she committed the shooting. Although the D.A.'s ofice subsequently learned that Grey had lied, she was never charged with perjury.

During the first trial, which ended in a mistrial on March 24 of this year with a vote of 10-2 for Huey's acquittal, Grey did not testify for the prosecution because the D.A. did not want her previous lie to protect Mitchell revealed in open court.

The D.A.'s office also dismissed two prior felony charges against Mitchell, who has a lengthy criminal record, and the "use a gun, go to prison" law. She will not be sentenced until sometime in August, well after Huey's trial begins, which is set for July 30.

Judge Stanley Golde, who formerly represented Mitchell while he was in private practice, presided over her recent case.

"They are all in cahoots," Huey said in referring to the conspiracy betwen the D.A.'s office and Golde. "Reliable sources have told me that Golde was overheard saying at cocktail parties that he would 'hang me' if he presided over my case," the BPP president continued.

Golde was initially assigned to sit as judge in the first Smith trial, but the defense, exercising its right, immediately challenged him. Superior Court Judge Carl West Anderson subsequently presided over the trial.

The July 16 press conference preceded a court hearing at which Huey's attorneys sought the prosecution's compliance with a motion for discovery filed on July 5. The motion demanded that all relevant documents and information concerning inducements, benefits and payoffs offered to witnesses by the D.A.'s office and the Oakland Police Department to secure testimony against Huey be turned over to the defense.

The hearing was continued until July 24 because Deputy D.A. Thomas Orloff's response allegedly was not completed. Orloff succeeded in getting the hearing transferred to the courtroom of Judge Martin Pulich, who has presided over numerous discovery hearings in Huey's cases. Pulich is a longtime enemy of the BPP.

Ellis was also extremely critical of the special treatment given to Carles Lee Buie, the only real witness remaining against Huey.

Buie, an admitted dope dealer and pimp, has been in the federal Witness Protection Program. Attorney Ellis questioned why Buie has been allowed in the program since it is normally reserved for witnesses against organized crime.

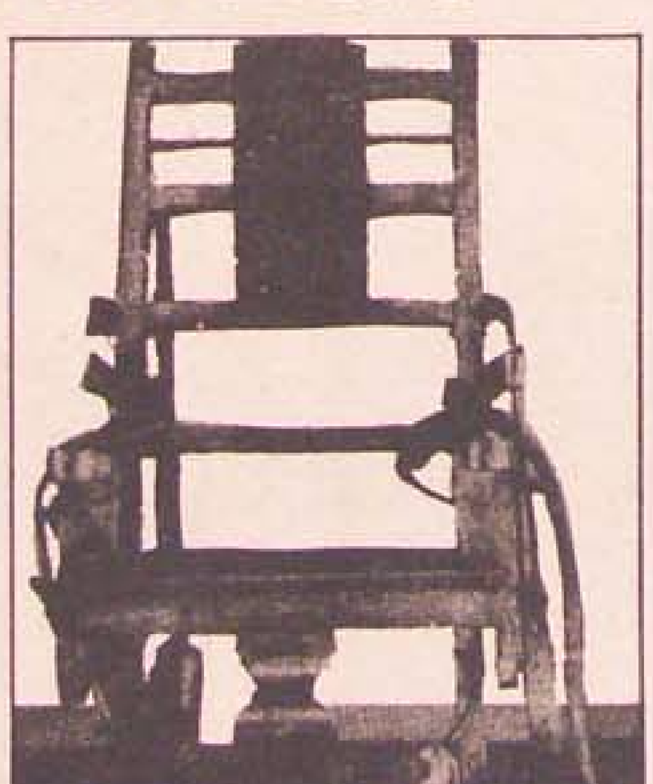
"Buie has been given enormous funds at public expense to testify in this trial," Ellis said.

The BPP attorney noted that an eyewitness who testified in the first trial named Buie as Smith's killer. Why, Ellis asked, didn't

CONTINUED ON PAGE 13

Black Man Fights Death Sentence In Arkansas

(Grady, Ark.) - "If you do not believe in the death penalty, but do nothing about it, you are dissassociating yourself in the worst way."



In a moving letter recently received by THE BLACK PANTHER, Warren E. Sumlin, Sr., Bay Area Black man now on death row in Arkansas State Prison for a crime he did not commit, explains the circumstances leading to his false murder conviction and asks for funds so that he might continue to appeal his case.

In August, 1977, Sumlin was arrested in Magnolia, Arkansas, where he had moved several months earlier from his hometown, Oakland, California. Arkansas authorities told Sumlin he was being held on request from the state of California.

"Even though my arrest was illegal and the request by California without any substantial basis," Sumlin writes, "I re-

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Editorial

Black Caucus Must Act On Malcolm X Case

The House Select Committee on Assassinations has concluded that conspiracy was "likely" in the murders of Dr. Martin Luther King, Jr., and President John F. Kennedy. The Committee has recommended that the U.S. Justice Department reopen both assassination investigations.

The Committee's report, released in mid-July, stopped short, however, of blaming the FBI and the CIA for involvement in the King and Kennedy murders. Hundreds of government documents, many of them revealed under the Freedom of Information Act, and work by researchers point distinctly to the participation of both spy agencies in the two assassinations.

One year ago the Black Panther Party wrote to the Assassinations Committee demanding that it conduct a thorough investigation of the February 21, 1965, assassination of Malcolm X. No action has yet been taken.

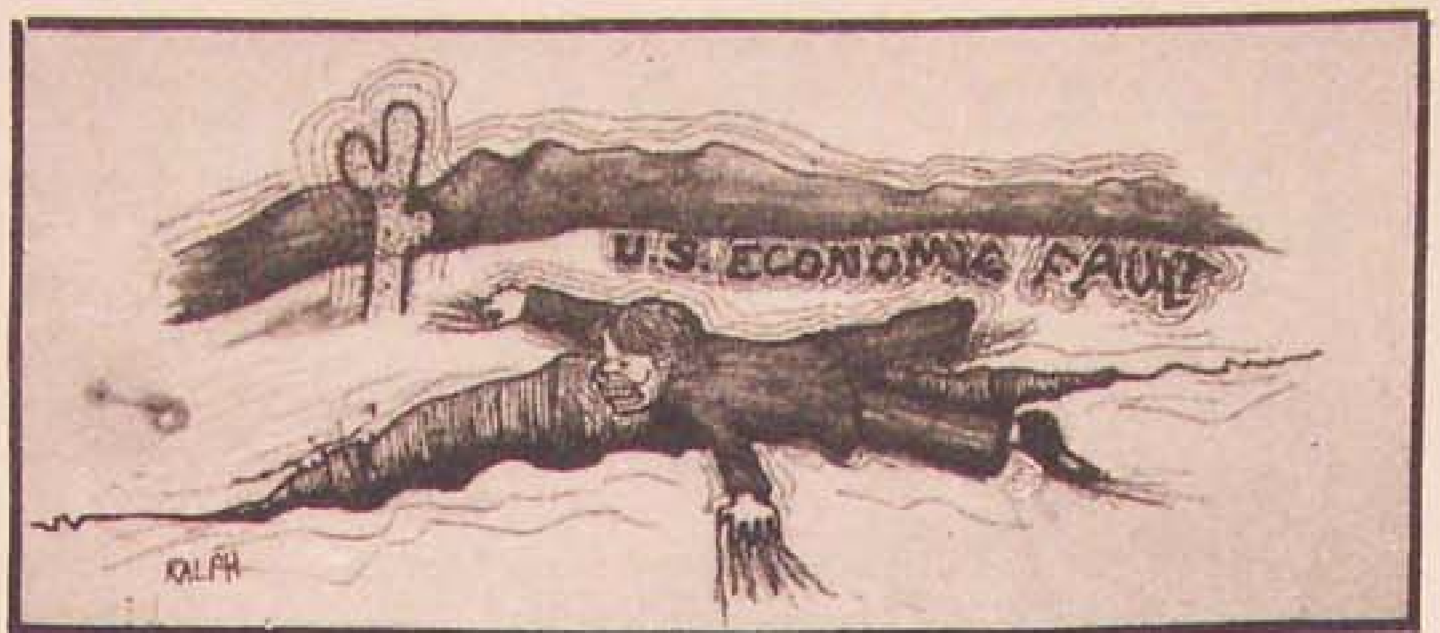
Recently, two Black men falsely convicted for Malcolm's murder filed a petition with the Congressional Black Caucus calling on the group to arrange a Congressional probe of the incident. (See article, page 3.)

In recent months, new evidence has surfaced pointing to a high level government conspiracy to murder Malcolm. Information presented to the Black Caucus shows that the FBI and other intelligence agencies carried out the assassination plot and then engaged in a cover-up of the facts surrounding it.

The Black Panther Party joins in the appeal to the Black Caucus for an inquiry into the death of Malcolm X. The political movement of Black and poor people in America over the last 15 years owes a great debt to Malcolm's brilliant leadership. He was one of the inspirations for the formation of the Black Panther Party in 1966 and dozens of other Black and poor people's organizations.

It took the government 11 years to admit that there was a plot to kill Dr. King and 16 years to admit that Kennedy was not the victim of lone assassin Lee Harvey Oswald. Malcolm has been dead for over 14 years.

We urge the Black Caucus to use its influence to see that the truth concerning Malcolm's murder is finally and fully exposed. □



CARTER'S EARTHQUAKE

FALLEN COMRADES

BABATUNDE X OMARWALI
Assassinated: July 27, 1970



Comrade Babatunde X Omarwali, a member of the Illinois Chapter of the Black Panther Party, was assassinated July 27, 1970. In the summer of 1970, Babatunde, 26, had just returned to Chicago from the Cairo-Carbondale area after organizing a National Committee to Combat Fascism (NCCF) office there. On July 27, Babatunde's remains were "found" lying across railroad tracks in a deserted area of the city by Chicago police. They claimed that he had been attempting to destroy the tracks with a bomb that went off prematurely. Although Babatunde's body was mutilated beyond recognition, police "positively" identified him because it was they who murdered him.



CARL HAMPTON
Assassinated: July 28, 1970

Comrade Carl Hampton, coordinator of People's Party II—the predecessor of the Houston Chapter of the Black Panther Party—was assassinated on July 28, 1970. Culminating a series of incidents on that day, Houston police surrounded the area where the Party's office was located and attacked the entire community. Carl was murdered in defense of the office.

Long Live the Spirits of Babatunde X Omarwali and Carl Hampton!
ALL POWER TO THE PEOPLE

COMMENT:
"Full Employment Needed To Reduce Crime"

Since 1968 the major federal anti-crime program, the Law Enforcement Assistance Administration (LEAA), has disbursed several billion dollars to state and local governments. These funds have brought wasteful hardware for police, yet have brought little peace to the neighborhoods where crime occurs.

After extensive hearings earlier this year, a thorough-going overhaul and reform of the agency was approved by the House Subcommittee on Crime. The new legislation would have required states and local governments to spend most of their anti-crime money in four priority areas—community anti-crime programs; youth crime and juvenile dollars and serious damage to citizens and society, that the Justice Department appears so reluctant to prosecute; innovative programs to furnish alternatives to prosecution; and innovative programs to furnish alternatives to prosecution and incarceration.

The House Judiciary Committee unfortunately recently overturned the major reforms proposed and opted, instead, for a continuation of the basic directions of LEAA as they now exist.

I cannot support the LEAA in its present form because it fails to come to terms with the real sources of most crime—the economic policies that perpetuate poverty and inequality.

It is no accident that the vast majority of police arrests involve young people under the age of 25, the same group that suffers most from unemployment and who have the least reason to have hope for improvement in the future.

LEAA and the criminal justice system are part of the problem of crime, rather than its solution. The only real solution is to build a full employment economy and implement real income redistribution so that all citizens who want to work are able to find jobs and everyone, regardless of the ability to work, has the resources to live decently. □

The Black Panther
(ISSN 0523-7238)
PUBLISHED BIWEEKLY BY THE BLACK PANTHER PARTY, 8501 EAST 14th STREET, OAKLAND, CALIFORNIA 94621, TELEPHONE: (415) 638-0195.
YEARLY DOMESTIC SUBSCRIPTION RATES: $6.50
SECOND CLASS POSTAGE PAID AT OAKLAND, CALIFORNIA

Black Caucus Asked For Congressional Probe Of Malcolm X Murder

(New York, N.Y.) - Two Black men falsely convicted of the Malcolm X assassination have filed a petition with the Congressional Black Caucus (CBC), asking the group to help arrange a Congressional investigation into the killing.

The petition, brought by Muhammad Abdul Azziz (Norman 3X Butler) and Khalil Islam (Thomas 15X Johnson), along with more than 200 pages of documentation, is based on the assertions of the hired convicted killer, Mujahid Halim (Talmadge Hayer), that his co-defendants were innocent.

Halim explicitly described four other men who, he said, helped commit the crime, the *Guardian* reports.

William Kunstler, attorney for Azziz and Islam, says that the evidence presented to the CBC clearly shows that the FBI and other intelligence agencies instigated the assassination and then concealed the facts surrounding it.

"What is horrendous about these descriptions," Kunstler said, "is that FBI documents on the Malcolm X case that we have obtained are full of explicit descriptions of several men who may have been linked to the murder, descriptions which closely resemble those described by Halim.

"Yet neither the Bureau nor the New York police followed up on these leads," the attorney said.

Malcolm's close aide, Benjamin Goodman, also provided evidence to the CBC this past May. Goodman, who introduced Malcolm at the 300-person rally in Harlem where he was killed on February 21, 1965, said:

"While giving the speech, I was able to, and did, observe the faces of all the people in the crowd. At no tin ` did I see the faces of Butler or Johnson, whom I knew well and would have been sure to notice since they were still Muslims from Mosque #7 (in Harlem)."

Goodman also noted that Malcolm's security men "who knew Butler and Johnson from Mosque #7 said that they were not present."

A good deal of the evidence presented to spark a Congressional inquiry also centers around

CONTINUED ON PAGE 13

WEBER DECISION: "A LIMITED VICTORY"

(Oakland, Calif.) - "This is an important but limited victory for the people's movement," said Lorenza Carlisle, coordinator of the Northern California Coalition to Overturn the Weber Case (NCCOWC), in commenting on the U.S. Supreme Court's ruling in the landmark *Weber vs. Kaiser Aluminum* case. The high court ruled that it is legal for employers to set aside jobs for minorities through voluntary affirmative action programs.

"We were able to repel the attack on affirmative action and maintain the challenge to discrimination. But we must see this as a limited victory," said Carlisle, who is also head of the Caterpillar Anti-Discrimination Committee.

At a press conference and rally on June 27, the day the Weber decision was handed down, the NCCOWC, part of a broadbased, nationwide alliance of political, labor, community, health, women's and church groups, including the Black Panther Party, explained that the high court's narrow decision left many affirmative action questions unanswered.

The NCCOWC pointed out that the Supreme Court did not rule on affirmative action programs for women, and left unclear the legal status of the vast majority of affirmative action programs now in existence.

The decision also ignored workers in the public sector, the Coalition said.

Supreme Court Justice William J. Brennan, Jr., writing for the majority, said, "We need not today define in detail the line of demarcation between permissible and impermissible affirmative



Anti-Weber rally in front of San Francisco Federal Building following Supreme Court ruling on June 27. LORENZA CARLISLE (inset).

action plans. It suffices to hold that (the Kaiser plan) falls on the permissible side of the line. . . ."

An editorial in the *Los Angeles Times* acknowledged that "the opinion in Weber was narrowly drawn. . . .

"It upholds the legality of an advancement training plan, but does not speak to the issue of preferential hiring of minorities or women over other applicants. . . ."

The Supreme Court "has left open the possibility that Congress could amend the law or enact new legislation restricting voluntary affirmative action," the *Times* editorial said.

Benjamin Hooks, executive director of the NAACP, said that the Weber decision "would further progress" of affirmative action. But he cautioned that "the country is confronted with the reality that we still have a long way to go" in achieving equal job opportunities for minorities and women.

William L. Taylor, a leading civil rights lawyer with the Center for National Policy Review at Catholic University, said that the Weber decision "needs to be kept in perspective because the effort to end the exclusion and underrepresentation of Blacks depends not just on law and affirmative action but on a whole host of other things, such as education and full employment. This decision, while helpful, is not nirvana."

The essence of the Weber decision was noted in a June 28 editorial in the San Francisco *Sun Reporter*.

"Beyond the qualified victories and disappointments embodied in the text of the Weber decision lies an even more important issue: the whole question of who should be allied with whom on the

CONTINUED ON BACK PAGE

Suit Filed To Prevent Destruction Of F.B.I. Files

(Washington, D.C.) - An alliance of progressive organizations and prominent political activists filed suit in federal district court here in late June seeking to stop the FBI from destroying records of past illegal activities and covert operations that violated the Constitutional rights of U.S. citizens.

The suit charges that the Bureau, in violation of court orders, has destroyed thousands of incriminating files that document illegal FBI activities in the past, including break-ins, wiretaps and widespread surveillance and harassment of groups and individuals working for social change in America.

The spy agency is also destroying records of its notorious COINTELPRO operation, whose avowed aim was to "disrupt, discredit and destroy" the Black liberation movement. The Black Panther Party, past COINTELPRO documents have revealed, was the FBI's main target.

Plaintiffs in the suit include the American Indian Movement (AIM), Daniel Ellsberg, Michael and Robert Meeropol (the sons of Julius and Ethel Rosenberg), Jessica Mitford, Angela Davis, Dr. Carlton Goodlett, publisher of the San Francisco *Sun Reporter*, the American Friends Service Committee AFSC), Center for National Security Studies and the *Nation* magazine.

FBI Director William Webster is proposing sweeping cutbacks in the Freedom of Information Act (FOIA), which authorizes public access to Bureau files.

Webster's proposals would set a seven-year moratorium on releasing "investigative information."

The FBI director also wants the FOIA amended to deny files to undocumented workers, anyone convicted of a felony and prevent the release of information in the areas of foreign intelligence and counterintelligence, organized crime and "terrorism," a code word for left-wing political activity.

The proposals also seek to prevent the disclosure of the names of informers.

In seeking to no longer require the FBI to release information to persons convicted of a felony,

CONTINUED ON PAGE 5

SECOND HIGHEST IN U.S.

COMMUNITY GROUP STEPS UP FIGHT AGAINST HIGH BLACK INFANT DEATH RATE

(Oakland, Calif.) - With 26 of every 1,000 babies born alive dying before they reach their first birthday, predominately Black East Oakland has the second highest infant mortality rate in the U.S. Only New York's Harlem has a higher infant mortality rate.

The health of the mother during pregnancy can affect the entire life of the fetus, child and adult. Proper and early prenatal care can dramatically reduce the risk of infant deaths. In East Oakland, however, as in other Black and poor communities, en are unable to obtain adequate prenatal care.

As part of their ongoing efforts to combat the high infant death rate, the local Coalition to Fight Infant Mortality (CFIM) and the Third World Women's Alliance (TWWA) co-sponsored a well-attended forum on the problem in late June at the Oakland Community Learning Center in East Oakland.

Dr. Vicki Alexander, a Black obstetrician and a member of the CFIM and TWWA who recently returned from a study of health care in Cuba, compared Cuba's socialized medical care, which focuses on prevention, with private care in the U.S., a curative system which is crisis-oriented.

"Preventive health care is not a priority in our health care system because it produces little profit," the Coalition pointed out. "This neglect of basic preventive health care services is one reason why a country with our high level of technology can have such a shockingly high infant mortality rate."

The Coalition is seeking an improvement in the services offered at Highland General Hospital, the only public hospital in Alameda County.

Citing "the insensitive and inferior care women receive at Highland," the CFIM is circulating a petition which will be presented to the Board of Supervisors that lists four demands:

•An improvement and expansion of obstetrical services:

•That the primary work of staff doctors be at Highland and that outside private practices not be allowed;

•An effective sliding fee scale be implemented; and

•That more Black, minority and bilingual doctors and staff be hired.

The Coalition cites the discriminatory distribution of health



Participants in forum on E. Oakland's high infant death rate. CFIM member WILLIE MARSHALL (inset) addressed the gathering.

facilities in Alameda County as one of the major causes for East Oakland's high infant death rate. "Most health care facilities will locate only where they can maximize their profits," the CFIM notes.

Highland provides a daily prenatal clinic, but the only two other health centers in Central and East Oakland provide such services only one and a half days a week, which is insufficient, says the Coalition.

The Coalition has compiled statistics to substantiate their charge that the racism that exists in the health system in Alameda County is responsible for inadequate prenatal care in Black and poor communities.

East Oakland's infant death rate is twice that of Alameda County as a whole and an astonishing seven times that of Piedmont, a predominantly-White suburb, the Coalition notes.

Dr. Alexander, who is the director of Perinatal Health Project in San Francisco and a faculty member of the University of California Medical Center, charges that "of those babies that die" in the U.S. of improper prenatal care "about 70-75 per cent could have been prevented...

"The number of babies dying in poverty areas is greater than the numbers of babies dying in nonpoverty areas...

"Divided into the White population and the minority population there is a discrepancy."

"Oakland Black Children Can Never Relax From Police Brutality"

(Oakland, Calif.) - "Children (in Oakland) have to be very careful because police are so paranoid when they receive a call from the Black community. They come with their guns unholstered. There will never be a time when Oakland children, especially Blacks, can relax."

Brenda Bell, sister of Melvin Black, expresed the overall sentiment of this city's Black and poor community at a press conference last month. The refusal of the police officers who murdered the 15-year-old Black youth to provide information to the Black attorney hired by the Oakland City Council to conduct an "independent" probe of the March 17 incident has brought charges of a cover-up from numerous community leaders and residents.

A July 2 *Oakland Tribune* article reported that Oakland Police Department (OPD) officers Forrest Ken Thornberry, Glen Tomek, Joe Thomas and Steven Bunting had refused to talk with attorney John Burris on the advice of their attorney, Eugene Brott.

Brott accused Burris of implying in a statement he made to the press that the police officers are racist.

In response to charges by Brott that Burris' membership in the Charles Houston Bar Association, which is predominantly Black, had raised questions about his objectivity, Burris said the primary motive of Brott and the police officers was to remove the investigation from the control of a Black person.

According to the *Tribune*, Brott maintained his clients would not talk to Burris unless he agreed to make no further statements to the media and disclaimed his allegedly "racist" statement.

Burris denied Brott's charge and said it would not be appropriate for him to agree not to speak to reporters.

Then, on July 9, the *Tribune* reported that Thornberry, Tomek, Bunting and Thomas had agreed to talk to Burris. The newspaper also revealed that Bunting had resigned from the OPD but gave no further explanation.

On June 19, which would have been Melvin Black's 16th birthday, a five million dollar wrongful

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Progressive Lawyers Attack Dan White Verdict

Following is the conclusion of excerpts from an article written by National Lawyers Guild (NLG) members Tom Steel (who serves as co-counsel for Huey P. Newton) and Penny R. Cade, which strongly attacks the recent verdict in the Dan White case.

The police, especially Frank Falzon, the district attorney's chief investigating officer, played a crucial role in setting up the defense. White's "confession" is a defense lawyer's dream. Immediately after the shootings White called his wife, went to church, and turned himself in.

He said nothing until his old friend and former softball coach, Falzon, "interrogated" him. Falzon asked questions directed at developing a defense of diminished capacity: "Can you relate these pressures you've been under, Dan, at this time?" No questions about details of the murders, such as why he took his gun and extra bullets to city hall that day or why he reloaded the gun after killing Moscone, were asked.

From the very day of the assassinations, newspapers characterized Dan White as the all-American victim. The media aided by giving lots of play to the White family and their hard times.

Of course a zealous prosecutor might have been able to turn this situation around. Freitas' office could have hired independent investigators and left the San Francisco cops out of it; they certainly could have had better psychiatric testimony.

According to the *Bay Guardian*, prosecutor Tom Norman says he didn't know *until the trial began* that the defense intended to use psychiatric testimony. This has been flatly contradicted by insiders at the Hall of Justice who heard Norman say that he knew the defense would be psychiatric, and furthermore, that he knew how many psychiatric experts the defense intended to call.

Did we expect the D.A. to bring out the longstanding political animosity between White and Milk, between the police and gays? Did we expect the D.A. to criticize the police handling of White's confession, bringing out Falzon's bias in the matter?

Perhaps most importantly, did we expect the D.A. to develop the

CONTINUED ON NEXT PAGE

35,000 PROTEST OPENING OF CALIF. NUCLEAR PLANT

(San Luis Obispo, Calif.) Nearly 35,000 demonstrators gathered at the National Guard's Camp San Luis late last month to protest the scheduled opening of the $1.4 billion Diablo Canyon nuclear power plant.

The nuclear plant sits only two and a half miles from a major earthquake fault, 200 miles north of Los Angeles, the largest population center in the U.S.

The Environmental Defense Center of Santa Barbara has filed a suit against Pacific Gas and Electric (PG&E) Company in an attempt to prevent the utility from putting the reactors into operation in August, as planned.

The suit was filed on behalf of 10 individuals and the Abalone Alliance—which organized the demonstration—Concerned Citizens of San Luis Obispo, Seaside Survival and Concerned Citizens of Shell Beach.

Governor Edmund G. Brown, Jr., who has been promoting his anti-nuclear views as a potential candidate for President, was allowed to address the rally. Brown said he would oppose the licensing of Diablo Canyon.

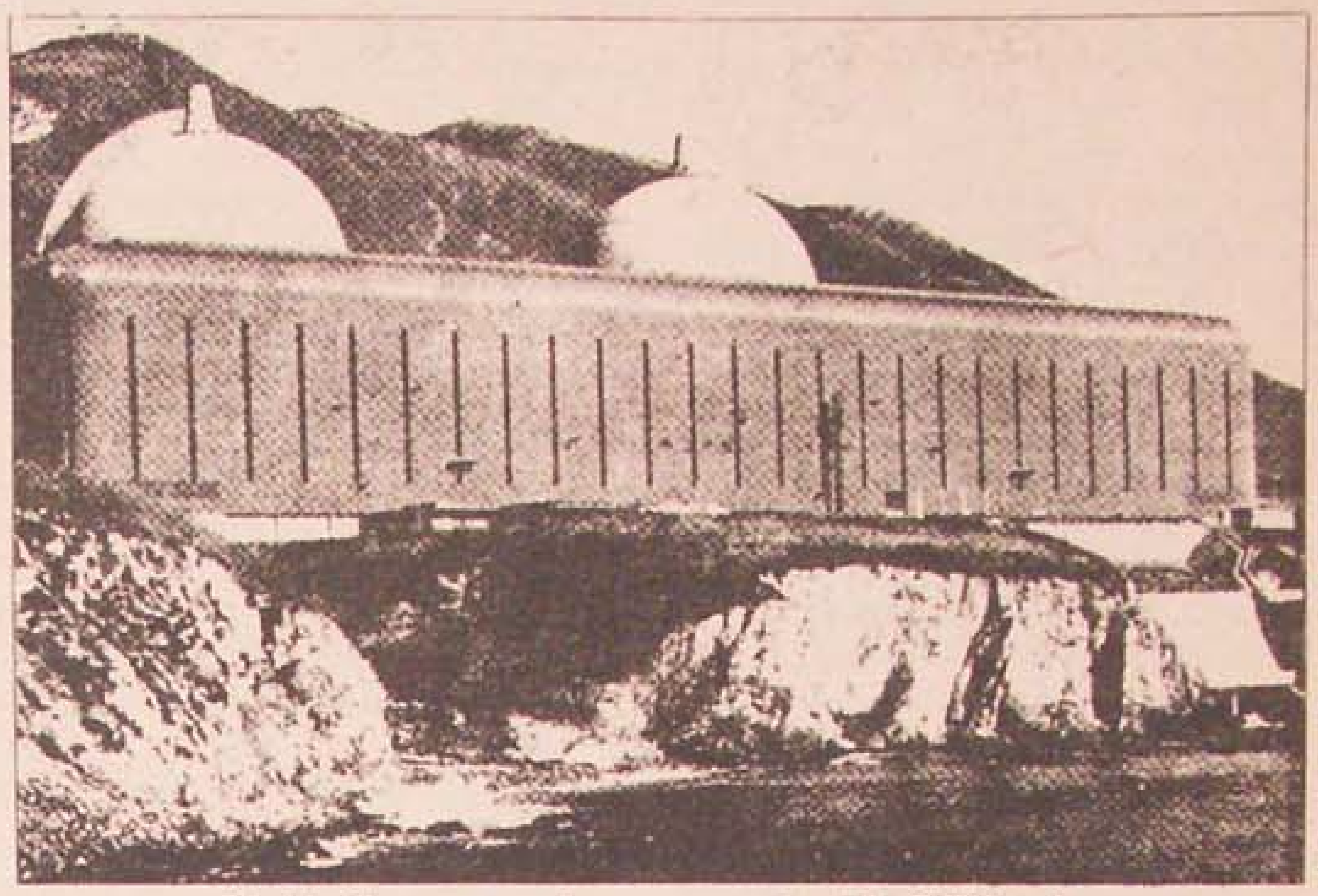
He stopped short, however, of pledging to use his emergency powers to stop the opening of the plant, as the Alliance has strongly urged the governor to do.

The Alliance charges that the plan would be unsafe because of low-level radiation leaks—which can cause cancer and genetic damage—creation of deadly radioactive wastes and its location on Hosgri Fault. The fault is capable of a quake of 7.5 magnitude on the Richter scale, 10 times stronger than the plant was designed to withstand.

Internal memos from the federal Nuclear Regulatory Commission (NRC), leaked to the *Los Angeles Times* in 1977, show that Diablo is crucial for the multi-billion dollar nuclear industry. The memos reveal that the government does not want to deny Diablo an operating license, despite the earthquake danger, "because of the large financial loss involved and the severe impact such action would have on the nuclear industry."

Nearly 500 demonstrators were arrested at Diablo in August, 1978, and in April of this year over 30,000 people gathered in San Francisco at a rally to protest the opening of Diablo.

In the event that legal methods fail, the Alliance plans to organize massive civil disobedience protests in the form of land and sea blockades of Diablo Canyon. The blockades are intended to obstruct the operation of the plant, particularly the loading of fuel.



Diablo Canyon nuclear power plant in California.

Numbers of Workers Exposed Each Year to Various Levels of Radiation in Nuclear Power Plants

(Exposures in rems)

Year	Not Measurable	0-1	0-2	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	9-10	10-11	11
1969			2,607		144	70	26	5	2	0	0	0	0	0
1970			6,953		184	175	92	102	11	1	0	0	0	0
1971			9,660		328	146	107	17	11	0	0	0	0	0
1972			14,783		536	205	114	47	23	10	6	6	0	0
1973	20,717	10,249		2,449	1,585	432	237	117	71	38	16	7	0	0
1974	20,240	13,455		2,491	1,375	470	226	86	30	6	0	0	0	0
1975	20,188	18,277		3,892	1,903	707	426	169	60	24	12	0	1	0
1976	25,704	26,836		4,880	2,354	789	487	188	70	26	11	5	1	0
1977	27,671	33,262		6,174	2,838	1,130	569	141	66	36	21	6	0	0

Florida Prisoners To Pay Rent

(Tallahassee, Fla.) - Florida's new law forcing prison inmates to pay up to $14.64 a day for room and board has come under fire from Department of Corrections officials who insist the plan will not work.

The law, nicknamed "pay as you stay," requires the 20,000 inmates at Florida's 73 penal institutions to file net worth statements listing their bank assets, income from Social Security, investments and other sources. Those who refuse will not be considered for parole.

The rule, put into force in May, applies even to inmates on death row. The only exceptions are for those prisoners on work release programs who already pay room, board and transportation expenses from their earnings. Two state prison officials said that only about 500 of the inmates in the system have any assets to contribute.

F.B.I. Files

CONTINUED FROM PAGE 3

Webster said that about 16 per cent of FOIA requests are made by or on behalf of prisoners—up from six per cent in 1977.

As a result, persons imprisoned on felony charges as a result of illegal FBI activity would be denied information needed to substantiate legal appeals of their convictions.

Since the enactment of the FOIA, which was strengthened after the Watergate scandal, secret agreements between the FBI and the National Archives and the General Services Administration have led to the massive illegal destruction of files. Some of these documents were destroyed in violation of a Senate resolution and court orders directing their preservation and release.

At least half of all FBI files are scheduled to be destroyed—regardless of whether Webster's proposals are enacted.

Black Man Fights Death Sentence

CONTINUED FROM COVER
tained the opinion that justice would prevail.

"However, my beliefs and opinions were quickly proven to be wrong. The next three months consisted of hearing after hearing, which showed that what I had expected—justice—was not going to be," he explains.

On November 24, 1977, Sumlin's wife helped him and four other prisoners escape from jail in Magnolia. On that same day, Sumlin and his wife were charged with killing a man who died three hours before Sumlin escaped jail.

The chief witness against Sumlin was one of the jail inmates who escaped with him. He testified that he heard Warren tell his wife to get him out of jail any way she could. The prosecution interpreted that testimony to mean murder.

(The prosecution alleged that the murder was carried out to obtain the dead man's car for use in the jail escape.)

Although Sumlin was still in jail at the time of the murder, he was charged with the crime. Mrs. Sumlin, who was tried separately from her husband, confessed to the killing and was convicted and sentenced to life imprisonment.

Sumlin was tried by a jury of 11 Whites and one Black. There is a longstanding legal procedure that a juror who is related to one of the parties in a trial must be excluded. In the Sumlin trial, one of the jurors was a fourth cousin of the murdered man.

Another juror, who was elected foreperson, had previously been a policeman in Magnolia, but lied when questioned about it.

Local press coverage of the trial was extremely racist and biased against Sumlin.

An inept public defender was appointed as Sumlin's attorney. Due to his negligence, the prosecution was allowed to make numerous serious legal errors and distortions of facts. Sumlin was subsequently convicted of first degree murder.

Originally scheduled to die in the Arkansas electric chair this past March, Sumlin won a stay of execution. Attorneys secured by his family are presently appealing the case in the appellate courts of Arkansas.

In his letter to THE BLACK PANTHER, Sumlin charges that he is "the victim of a local political struggle.

"I have been invidiously discriminated against by a few local officials in Magnolia, Arkansas, as a stepping stone to further their own political ambitions—the price being my life," he states. "Once straped into the electric chair and the switch thrown,. there is no appeal..." Sumlin declares.

The Warren E. Sumlin, Sr., Legal Defense Fund is asking anyone concerned about his case to write letters of protest to Governor William Clinton, State of Arkansas, Capitol Building, Little Rock, Ark. 72201; Warden Jery Campbell, Cummins State Prison, P.O. Box 500, Grady, Ark.71644; and Attorney General David Pryor, State of Arkansas, Little Rock, Ark., 72201.

Tax-deductible contributions to the legal defense fund may be sent to 1817 Carleton Street, Berkeley, Calif. 94703.

Lawyers Attack White Verdict

CONTINUED FROM PREVIOUS PAGE
political and emotional conviction sufficient to convey the case to the jury?

(And by the way, who paid the White defense bill? White's financial problems were household words.)

THREAT

What can we do about it? It's important now to fight the threat to the availability of the diminished capacity defense to all future criminal defendants.

Diminished capacity simply allows the jury to examine the mental and emotional makeup of the defendant to determine if the defendant was able to form the necessary specific intent for the crime. Diminished capacity has never functioned as an easy out for guilty defendants, for one thing, because it hardly ever works.

The existence of the diminished capacity defense itself was not the decisive factor in the Dan White verdict. We must say clearly in our communities and our courtrooms that the real evil of the criminal justice system is not the availability of psychiatric defenses, but rather the unevenhandedness, the racism and sexism of criminal prosecutions.

The Dan White verdict demonstrates that the system in its present form does not work for gay people, the poor, or non-Whites. The system is designed to prosecute, not to vindicate these people. At every step in the criminal process, from investigation through imprisonment, this inequality is apparent. This is the bitter lesson of the Dan White trial.

People's Perspective

Inmate Labor For Businesses?

(Los Angeles, Calif.) - A "think tank" convened here in mid-July to consider the possibility of allowing private industry to use state prison inmates as cheap labor. Similar programs, in which businesses can employ inmates and pay them cheap non-union wages, are being used in seven other states. Such programs encourage industry to build combination prison and manufacturing facilities. Inmates would also be forced to pay rent.

Nuclear Danger Exposed

(Kansas City, Kansas) - The "accident" at Three Mile Island nuclear plant released an amount of radioactive gas 21 times greater than federal officials had predicted, the *Kansas City Star* recently reported. Exposure to the gas—xenon-133—greatly increases the risk of cancer among the people of Harrisburg, Pennsylvania.

House Acts On Draft

(Washington, D.C.) - A bill containing a provision that would reinstate draft registration for 18-year-olds was approved by a House committee in mid-July. The full House is expected to soon act on the plan. The proposed registration of 18-year-olds could begin as early as January 1, 1981.

F.C.C. Blocks T.V. Sale

(Washington, D.C.) - The Federal Communications Commission (FCC) recently blocked the transfer of a Michigan television station to a company headed by publisher John McGoff, who is under FBI investigation for using secret South African funds to acquire U.S. media properties. The FCC set aside the transfer of the license for WGTU-TV in Traverse City, Michigan, and a construction permit for a satellite television station, WGTQ, in Sault Ste. Marie, Michigan, a subsidiary of the Panax Corporation. McGoff is president of Panax.

Racist Judge Cleared

(Washington, D.C.) - The U.S. Justice Department has refused to take action against a newly appointed federal district judge in Texas who was quoted in a newspaper article as using a racial slur. According to the *Fort Worth Star-Telegram*, Judge Belew said his membership in an all-White social club was not an issue when he wasconfirmed by the Senate because "no nigger...ever applied for membership." Several U.S. congresspersons have complained about Belew's remark.

Nixon Suit Reversed

(Washington, D.C.) - A U.S. appeals court here reversed a ruling in mid-July requiring former President Richard Nixon to pay only token damages to a former national security aide whose home was wiretapped. The decision opens the way for the possible award of substantial damages to Morton Halperin, a former National Security Council aide, and also restores former Secretary of State Henry Kissinger as a defendant in further proceedings to be held in U.S. district court.

Black Protesters Arrested

(Atlanta, Ga.) - Eleven Black demonstrators protesting the recent police murder of a 20-year-old Black woman, Bonita Carter, were arrested in Birmingham, Alabama, in early July. Only one of 50 Ku Klux Klansmen who harassed the protesters was arrested—on minor charges.

Indians Sue Over Water

(Washington, D.C.) - A lawsuit recently filed here by several dozen Navajo Indians urged a federal judge to block New Mexico uranium mining projects whose discharge contaminates their drinking water. The outcome of the suit could have a bearing on U.S. production of uranium, a key ingredient of nuclear power, because more than half of the output comes from New Mexico.

NATIVE AMERICANS PROTEST URANIUM MINING IN SOUTH DAKOTA

(Rapid City, S.D.) - People from 27 states and two provinces of Canada responded to a "call for a national gathering of the people" here recently to protest the projected uranium mining in the Black Hills.

The gathering was sponsored by the Black Hills Alliance, a group of Native people, ranchers, and others in South Dakota, *Workers World* reports.

Over 6,000 people were attracted to the Rapid City Civic Center where speeches and music were presented to begin the activity. Speakers stressed that the real danger in nuclear development was its control by the multinational corporations.

A national American Indian Movement (AIM) spokesperson, John Trudell, gave a rousing speech about the use of racism by the corporations and the press to keep people divided. He said to non-Native supporters in the audience:

"We want you to understand, we are not your enemy, we never have been. We have been made to not respect each other."

In the late 1860's and early '70's the Black Hills became the main symbol of U.S. expansion and the valiant struggle of the Northern Plains Indians to preserve their land and way of life.

As the Civil War had been brought to an end in 1865, a virtual tidal wave of miners and settlers poured into the Northwest. An ever expanding military presence accompanied this Western exodus.

With the addition of trails and roads through Indian hunting grounds came the incursion of railroads, which scared away the game and brought even greater numbers of settlers, entrepreneurs, and fortune seekers.

The Great Sioux Reservation had been established by the Treaty of 1868 after a long armed struggle against the U.S. Army by the Oglalas under Chief Red Cloud.

The 1868 treaty represented a binding accord between the Sioux Nation and the U.S. government that demarked the territorial boundaries which no White man would be permitted to enter without the consent of local tribes.

The treaty guaranteed the greater part of five states to the Lakota Nation, in the center of which is the sacred land of the Black Hills.

In the late 1860's gold was discovered in the Black Hills. The thirst for these new gold discoveries had become so intensified that the government consented to provide military protection to the growing mining population.

CUSTER

In 1874 George A. Custer led a large contingent of settlers protected by three regiments of U.S. Cavalry into the Black Hills. Within two years, the sizeable towns of Custer and Deadwood with a population of over 14,000 people had been established and gold mining went on at a feverish pace.

As each new form of colonization became apparent — first roads through Indian territory, military forts, mining claims, and the flagrant violations of the 1868 treaty — the Northern tribes united to fight back.

The U.S. government decided to amend the treaty of 1868 by offering to buy Black Hills from the Sioux, whereby it could "honorably" steal another vast area from the Native people.

These maneuvers by the Department of the Interior failed due to the resolute belief by Native leaders that the land could not be brought or sold nor could the government be expected to keep any of its treaty commitments.

RESOLUTE

The government concluded that the resolute stand taken by Sitting Bull and Gall of the Hunkpapas, Hump and Spotted Elk of the Minneconaou, and Red Cloud of the Oglalas could only be remedied by declaring such tribes as "hostiles" and using the U.S. Army to force all Native people onto reservations. □

GUIDE TO FOOD STAMP CHANGES

(Washington, D.C.) - The House has authorized a $620 million expenditure so that food stamp recipients can continue to receive their normal allotment. The Senate is expected to take similar action. Without Congressional action, the amount of food stamps each recipient receives would have been cut in half in August and September.

The Carter administration has been threatening to terminate the food stamp program for the last three months and still may do so. The White House claims the government is too "broke" to continue to fund the program.

Below, as a service to our readers, THE BLACK PANTHER presents a guide to the new changes in the food stamp program.

•SSI recipients are no longer eligible for food stamps at all.

•There is no purchase price for stamps. Instead, you simply receive the bonus and get the stamps by mail.

•You are eligible for an emergency insuance of stamps if:

1)you have no income after deductions;

2)you are destitute.

•Work registration is required of all "able-bodied" recipients as before but now if you do something "improper" in your registration, your entire household becomes ineligible.

•Students have a tougher requirement than before. You must register for work, even if you are in school full-time unless you are working at least 20 hours a week or in a work-study program. Failure of a student to properly register only disqualifies the student, not the whole household.

•Any student that could be a tax dependent of an ineligible family cannot receive benefits even if that person is not claimed.

•Fair hearings may still be requested to settle disputes but the circumstances for getting continuing assistance while you are waiting for a hearing decision is now limited.

Every time your case is reviewed (about every three months) changes can be made for which an appeal will not guarantee continuing assistance. Changes made between reviews may be appealed with continuing assistance.

•There are also some new limits: Resource limit is up from $1,500 to $1,750.

•Maximum allowable income after deductions is:

—family of 1 - $277/month
—family of 2 - $365
—family of 3 - $454
—family of 4 - —$542

•Maximum amount of stamps provided is:

—family of 1 - $57/month
—family of 2 - $105
—family of 3 - $150
—family of 4 - $191

How much you receive, though, depends on number of dependents and income.

•Deductions have become more standardized and basically, are as follows:

1) 20 per cent off pay (work deduction)

2) $65 per household (standard deduction)

3) maximum of $30 for a total deduction for child care costs and shelter costs

Much of the calculations are difficult and complicated. If you have particular questions or wonder how your stamps are being figured, call your local welfare office. □



Nine Graduate From Community School

(Oakland, Calif.) - Reflecting on their years as students at Oakland Community School (OCS) at graduation ceremonies in June, the nine members of the class of 1979 compared their unhappy experiences in the public school system with the unique, quality education they received at the model elementary school.

Graduates were (top, left to right) RICHARD LITTLEJOHN, LISA TAYLOR, TIMOTHY HACKETT, KEITH TAYLOR, KIMBERLEY ROBLES, DAMON JACKSON, KEVIN KEYES, HAROLD OWEN, and FELIPE BOBINO.

EULA TAYLOR (above, left), parents of two of the graduates, received the Parent of the Year Award from OCS Director ERICKA HUGGINS.














(Oakland, Calif.) - Some 3,000 people packed the Oakland Community Learning Center (OCLC) on Sunday, June 24, to attend the highly successful Oakland Community School/KRE Radiothon.

Over $8,000 was raised to help sustain the model elementary school during the lively eight-hour radiothon, the second such event sponsored by OCS in the past three years.

The radiothon was broadcast live from the OCLC, which houses the school, by KRE Radio, 1400 AM in Berkeley, which co-sponsored the event.

Appearing in support of the OCS at the major fundraising event were numerous community leaders, including Alameda County Supervisor John George, Oakland City Councilman Carter Gilmore, Percy Steele, executive director of the Bay Area Urban League, and Black Panther Party President Huey P. Newton.

Speakers and participants included Don Hopkins, administrative aide to Congressman Ronald Dellums; Dr. Asa Hilliard, dean of education at San Francisco State University; Dr. Raye Richardson, professor of humanities at S.F. State; Lorenza Carlisle, chairperson of the Caterpillar Anti-Discrimination Committee and leader of the Northern California Coalition to Overturn the Weber Case; Broadus Parker, president of the Black Veterans Association; Leonard Mudavanhu, the Zimbabwe African National Union's information officer in North America; Father Edgar Haasl, pastor of St. Louis Bertrand Church; Rev. Michael Dunn, president of East Oakland Clergy; and a representative of the Oakland Ashram (Sidda Meditation Center.



HUEY P. NEWTON enjoys radiothon with moderator YVONNE GOLDEN.

A vast array of top entertainers, including Bill Summers, Linda Tillery and Mary Watkins, performed for the huge gathering and helped man the telephone lines which were busy throughout the day, with people enthusiastically calling in with their pledges to the school.

Among the other prominent entertainers who performed were Merle Saunders, Coke Escovedo, Johnny Tolbert, the Evelyn Thomas Dancers, Sita Neely, Session, Central Heat and the Love Center Choir.

Co-emcees for the radiothon were OCS Director Ericka Huggins and Hal Jackson, senior vice-president of Inner City Broadcasting, which owns KRE Radio.

Moderators for the event included three disc jockeys from KRE—Rick Holmes, Stephanie Dilly, and Jon Smith; Billie K. Johnson, KRE director of public affairs; Yvonne Golden, principal of Opportunity II High School in San Francisco; actress Donna Labrie; "Bingwa"; Joe Simms "Superstar"; and Joan Kelly of Educational Opportunities Corporation.

The thousands of people who turned out for the fun-filled, day-long activities enjoyed the many concession booths, exhibits, displays, delicious food and big record giveaway.

Proceeds from the radiothon went to the educational programs of OCS, which has been cited by the California Legislature for having "defied the myth of the uneducable child." □

Speakers and entertainers at radiothon included (top, clockwise) BROADUS PARKER, Rev. MICHAEL DUNN, Supervisor JOHN GEORGE, actress DONNA LABRIE, Dr. ASA HILLIARD, DONALD HOPKINS, Linda Tillery and Mary Watkins Band, JAMES LEVI and band, BILL SUMMERS (on saxophone) and band, SITA NEELY, LOVE CENTER CHOIR, SESSION, HUEY P. NEWTON with Inner City Broadcasting Vice President HAL JACKSON, MARY WATKINS, LINDA TILLERY and MERLE SAUNDERS. Oakland City Councilman CARTER GILMORE and OCS parent man telephone pledge lines.








3,000 ATTEND COMMUNITY SCHOOL RADIOTHON

Intercommunal News



ERICKA HUGGINS (inset) paid tribute to David Sibeko on behalf of the Black Panther Party at memorial service. PAC member GERALD MOTAUNG (inset) moderated the program.

MEMORIAL SERVICE FOR BLACK S. AFRICAN FREEDOM FIGHTER

(Oakland, Calif.) - "We Africans have a great respect for life and that is why our funerals are not by invitation, and that is why our people will turn out en masse, particularly when they come to pay tribute to those who have paid the supreme sacrifice—those who watered the tree of freedom with their own precious blood, those who have paved the road to independence with their own lives, in our behalf."

This message was delivered by David Sibeko here on November 23, 1976, at a special program dedicated to the liberation of southern Africa sponsored by the children of Oakland Community School (OCS).

Ericka Huggins recalled Sibeko's words in paying tribute on behalf of the Black Panther Party to the recently slain Black South African freedom fighter at a memorial service here on July 1.

"David was very moved by the children of our school," Ericka recalled, "and he compared them to the Black children who fought and died in the Soweto rebellion in June, 1976, for the right to use schoolbooks written in their own language. . . .

"David has shown his love for his people in the most supreme way. He has watered the tree of freedom with his own life," Ericka said.

Sibeko, 40, was assassinated in Dar es Salaam, Tanzania, on June 11 under clouded circumstances. He was one of three members of the governing Presidential Council of the banned Pan Africanist Congress (PAC) of Azania, one of the two internationally-recognized South African liberation movements.

As director of foreign affairs, Sibeko was the PAC's permanent observer to the United Nations, where he rallied international support for the Azanian (South African) freedom struggle.

After assuming his U.N. post in 1975, Sibeko toured the U.S., talking to large and small groups and became one of the most popular spokespersons of the South African liberation movement. He was a close personal friend of Black Panther Party President Huey P. Newton.

Sibeko "had the reputation of being one of the (greatest) orators that has ever arisen from Azania," said PAC member Gerald Motaung at the memorial service.

Sibeko was shot and killed by six turncoat members of the PAC at the home of Vusunzi Make, a member of the Presidential Council and the PAC's administrative secretary, after Sibeko refused to accompany the men to a meeting.

The assassins "pulled a gun and pumped three bullets into Sibeko's head and he never regained consciousness," said Motaung.

Also present at the time of the assassination was Elias Ntloedibe, the third member of the Presidential Council who, along with Make, was also a target of the assassins.

Sibeko's killers, Titus Soni Joe, 24, Daniel Monakgotla, 28, Gelbert Tihapo, 24, Abraham Tatu Reuben, 21, James Hlongwane, 21, and Studo Mahlangu, 24, have been taken into custody by Tanzanian authorities and will stand trial for murder.

The PAC was forced into exile in 1961 after being outlawed, along with the African National Congress (ANC), and set up its headquarters in Tanzania.

After the PAC's founding president, Robert Sobukwe, died last year in South Africa, the longtime acting president, Potlako Leballo, was elected chairman. In April of this year, the PAC announced Leballo's resignation "for reasons of health."

According to *Africa News*, the move followed mounting tensions between Leballo and younger

CONTINUED ON NEXT PAGE

Nicaraguan Priest Joins Liberation Movement

(Managua, Nicaragua) - The heroic, protracted armed liberation struggle by the people of Nicaragua under the leadership of the Sandinista National Liberation Front (FSLN) came to a climax in mid-July with the overthrow of the hated dictatorship of President Anastasio Somoza.

With the military and economic backing of the U.S., the wealthy Somoza family had ruled the poverty-stricken Central American country for 43 years.

Under the terms of a U.S.-mediated peace plan, Dr. Francisco Urcuyo Malinai, 55, president of the chamber of Deputies, the lower house of Congress, was made interim head of state and was supposed to turn over power to the FSLN-backed. provisional government.

As we go to press, however, reports have indicated that Maliani has refused to turn over the reigns of government to the Sandinistas and hopes to create a new dictatorship.

On the eve of Somoza's ouster, fighting continued thoughout the country. Monitored FSLN field communications indicated the guerrillas were making a final, full-scale offensive for control of this capital city.

The Sandinistas control all of Nicaragua except for Managua, where some 5,000 National Guard troops are still holding out.

Following is an interview with Father Ernesto Cardenal, the Trappist poet and philosopher who recently became a member of the FSLN. The interview, conducted by Merle Linda prior to Somoza's overthrow, is reprinted from the New York Times.

Q: Many people in the U.S.

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Z.A.N.U. Condemns Rhodesian Puppet Leader's Visit

The following statement was recently issued by Tirivafi Kangai, the chief representative to the United Nations of the Zimbabwe African National Union (ZANU). ZANU is allied with the Zimbabwe African People's Union (ZAPU) in the Patriotic Front, which is leading the armed liberation struggle in Zimbabwe-Rhodesia.

We would like to register our concern and disapproval of the U.S. government's decision to allow Ian Smith's puppet, Abel Muzorewa, into this country during July of this year.

Muzorewa, who is working hand in glove with the illegal Smith regime in our country, has been invited to this country by his mentor, Jesse Helms, the racist senator from North Carolina who is advocating the removal of economic sanctions against the Smith regime.

Muzorewa visited all major American cities while he was here. It is not suprising that puppet Muzorewa wishes to come here at this point in time. His puppet regime is falling apart, mainly because of the pressure put on it by the people of Zimbabwe who, having seen how fraudulent the "internal settlement" is, are whole heartedly supporting our war for national liberation and self-determination.

This pressure has also caused contradictions within the puppet camp. He therefore needs a breathing space so that he can plead for more weapons, funds and mercenaries from reactionary circles within the U.S. government and public.

We remember how military hardware and U.S. mercenaries poured into Zimbabwe soon after Smith's visit to this country last year. By allowing Muzorewa into this country, which amounts to tacit recognition of his illegal regime, the U.S. is defying and ignoring the frontline countries, the Organization of African Unity (OAU), the Commonwealth of Nations, the United Nations and the entire international community, which have rejected the Smith-Muzorewa "internal settlement" and declared the so-called April elections "null and void."

Muzorewa and Smith have recently ordered air raids into Zambia and Mozambique which have caused loss of life and property on the part of defense-

STRICTER PASSBOOK LAWS ENACTED FOR S. AFRICAN BLACKS

(Johannesburg, South Africa) - The White minority regime in South Africa has stepped up its suppression of the Black majority population. Stiff new fines for employing Black workers who do not have the hated passbook, known locally as *dompas,* which allow Blacks to legally be in areas restricted for Whites only, went into effect in mid-July, *the Los Angeles Times reports*

Black leaders charge that the harsh measures will cause starvation and mass unemployment.

From now on, Whites whose Black employes do not have proper documents allowing them to in White areas of the country will be liable for fines equivalent to as much as $600 or a jail sentence of up to three months.

Previously, fines paid by employers reached a maximum of $120, low enough so that a number of employers simply ignored the law.

Now, longtime Black employes—especially domestic servants in White households—may face discharge because of the new penalties. Helen Suzman, a member of the South African Parliament and an outspoken opponent of apartheid, said that "people are losing jobs by the hundreds" already.

Bishop Desmond Tutu, the Black general secretary of the South African Council of Churches, warned that the stiff fines could create a "highly explosive" situation.

From the age of 16 to death, the passbook is an intergral part of a Black person's life here. Almost daily, cream-colored-"pass wagons"—called *goomba-goombas* by Blacks—cruise main thoroughfares slowly, with policemen looking for Blacks who do not have their passbooks.

Until now, lacking a book has usually meant a night in jail and a court appearance.

In 1978, according to the annual report of the South African Council of Churches, 272,887 persons were arrested for pass violations. That figure was sharply up from 173,571 the previous year.

There is already an unemployment rate of about 20 per cent among South Africa's 19 million Blacks. The White minority in South Africa is about 4.5 million.

Most employed Black women work as domestic servants in White households. At an average monthly wage of $70 for a live-in servant, almost all White homes have at least a maid. More affluent homes also have at least a maid. More affluent homes also have full-time gardeners. For many Black families, wives working as domestics provide the only income.

Pass raids have increased, and have been extended to places where Blacks work and even to Soweto, the huge Black "township" outside Johannesburg.

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Memorial Service For Freedom Fighter

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PAC members, particularly recently exiled Black Consciousness Movement (BCM) members who joined during last year's Party congress.

The leadership was then assumed by the three-member Council.

Motaung said that the PAC "sees Sibeko's assassination not necessarily as a power struggle among the forces of the PAC but as a perpetuation of CIA and South African efforts to stifle liberation forces that sought to create commotion and overthrow the government of South Africa."

Motaung charged that Sibeko's role in exposing the scandal in South Africa which recently led to the forced resignation of John Vorster as president was a factor in Sibeko's murder.

Motaung noted that "Sibeko, in March, invited senators such as George McGovern—through the Congressional Black Caucus—to investigate allegations against Vorster's government of buying certain candidates for Presidential office" in the U.S.

Pointing out that numerous U.S. congressmen have been "buying time and supporting the status quo in South Africa through such efforts," Motaung said, "There has been some anticipation that the CIA somehow would do something" to silence Sibeko.

Born August 26, 1938, in Sophiatown, Sibeko was a journalist with the *Drum* and *Post* magazine of Johannesburg from 1954 to 1964.

Before coming to New York in 1975, Sibeko was based in London as the PAC's chief representative to Europe and the Americas. □

Africa In Focus

Malaria Spreads In Africa

(Dar es Salaam, Tanzania) - More than one million Africans, most of them children, will die this year of malaria and 100 million cases will be reported as the disease makes an alarming resurgence in the continent. These statistics emerged at a recent international seminar on Malaria held here in an attempt to promote an Africa-wide campaign to conquer the disease.

Passbooks In Namibia

(Windhoek, Namibia) - All persons over 17 in Namibia must begin carrying an official passbook — identification documents which Blacks in South Africa are also required to carry — the South African "administrator" of this illegally occupied territory announced in early July. The order is one of several recent South African measures resulting from an intensification of the armed liberation struggle being waged by the South West African People's Organization. Other decrees has designated "security districts," in which people held under emergency regulations can be detained without access to a lawyer for 30 days instead of 96 hours.

Zaire Renews Israeli Ties

(Tel Aviv, Israel) - Zaire has emerged as the first major Black African state likely to renew diplomatic relations with Israel. Joint trade union activities between the two countries—soon to be restored for the first time since Zaire broke ties with the Zionist state after the 1973 Arab-Israeli War—may be the forerunner of normalization of relations, official Israeli television reported in mid-July. In what may be a related development, Zaire recently received $93 million from the Export-Import Bank of the U.S. to refinance the Inga-Shaba power line.

Ghana Elects New President

(London, England) - Hilla Limann, a former ambassador, was elected president of Ghana in a recent election to return the African country to civilian rule for time since January, 1972. The head of the military government has promised to install the new government by October 1.

Saharan Truce Ends

(Paris, France) - Polisario Front guerrillas fighting for the independence of Western Sahara have broken their year-old cease-fire with Mauritania because of a breakdown in negotiations, a Front spokesperson said here in mid-July. Mauritania and Morocco illegally annexed the Sahara in 1975.

Nigeria Holds Elections

(Lagos, Nigeria) - Nigerians have voted in two of five elections over the next month to return the country to civilian rule for the first time in 14 years. The voting culminates in an August 11 presidential election.

Eritrean War Mounts

(Los Angeles, Calif.) - A major Ethiopian offensive was reported against Eritrea in mid-July. The drive was said by the Eritrean People's Liberation Front (EPLF) to be proceeding on three fronts and to involve 50,000 government soldiers. In the biggest attack, Ethiopian troops were reported to be trying to drive further inland from the EPLF-held town of Nafka.

New Namibian Plan

(Luanda, Angola) - Angolan President Agostinho Neto recently submitted new proposals to the U.N. independence plan for Namibia to U.N. Secretary General Kurt Waldheim. Waldheim said in Luanda he would decide whether to resume negotiations with South Africa about independence plans for Namibia after further talks with Sam Nujoma, president of the South West Africa People's Organization (SWAPO). M. Tlhabanello, SWAPO's information secretary, was recently arrested in Namibia. SWAPO said at least 60 of its members are now in detention.

O.A.U. Meets

(Monrovia, Liberia) - The 49-nation Organization of African Unity (OAU) opened its annual summit conference here in mid-July. At a preparatory ministerial meeting, a resolution was proposed warning that the lifting of sanctions against Rhodesia by any Western power would be considered tacit recognition and a "hostile act" against Africa.

Stricter Passbook Laws For S. African Blacks

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Government officials acknowledge that their aim is to enforce the "influx control" laws and others that determine where a Black may live and work, even what sort of work he may do. The raids are designed to return to their tribal "homelands" the unemployed, the "illegally" employed, the squatters.

A tough pass enforcement campaign in Soweto, cite of the famous Black rebellion in 1976, has created a wave of resentment.

Police vans, known in tribal language as *Kwelas*, have become a common sight at commuter rail and bus stations. Often the passbook checks have been carried out on Friday afternoons, when Black workers are homeward bound with their pay.

Those hauled away in the kwelas are certain to be held over the weekend, leaving their families without money for food.

Nthato Motlana, chairman of Soweto's influential Committee of Ten, denounced the stepped-up pass raids as designed "to humiliate and intimidate."

"The police," he added, "are convinced they have now managed to quiet down the spirit of revolt—and are determined to keep it that way."

To be caught without the pass book means almost certain arrest, even if the offender is but a block from his place of work or rest, even if he offers to go and return with the book. Lack of a current employer's signature is also cause for arrest. Being caught in an unauthorized area is cause for arrest, as is being caught overstaying a visit in an authorized area, a frequent offense for men who visit wives employed as domestic servants.

The pass law system forces many Black families to live apart. The man may have permission to work in a White urban area, perhaps living with hundreds of other men in a crowded dormitory-style hostel, but his wife and children have to remain in their rural tribal area far away.

Violating the pass laws is likely to mean time in jail. Unless the White employer makes the effort to locate his missing Black employe, and pays the "admission of guilt" fine, the pass violator may languish in jail for several days before appearing in court.

On an average weekday, 100 Blacks appear before a White commissioner for pass law violations. Most hearings last only three or four minutes.

A clerk reads, in English or Afrikaans, the charges and circumstances of the arrest. An interpreter translates it into the tribal language of the defendant, who is then asked to enter a plea. Almost always the plea is "Guilty." Few Blacks in the dock attempt to plead "not guilty," they believe that the result will be the same whatever the plea. An attorney to help him answer the charge would be a rarity in such cases.



South African passbook.

On a recent day in one such court, the judge almost invariably intoned the sentence: "Twelve rand or 24 days."

Twelve rand, about $15, represents about a week's pay for the Black occasional laborer, a category that includes most of those who appear in court because they cannot find permanent work.

Few of those sentenced can pay. Some do not wish to pay, for in jail there is shelter and food. Thus, on any given day, South African jails contain roughly 100,000 prisoners serving short-term sentences.

It is winter here in the southern hemisphere. At night with the temperature near freezing, many foreign migrant workers sleep in doorways. During the day they panhandle and sift through garbage.

Without pass papers, they cannot go to the employment office. They can only hope to be on the street when a White contractor cruises by, offering to hire foreign workers at cheap wages for part time work. □



Israeli Settlement Blocked

(Jerusalem, Occupied Palestine) - Palestinian landowners won a temporary injunction from the Israeli Supreme Court in mid-July ordering a temporary halt to further work on a large tract of land seized by the Israeli government for the expansion of an illegal Jewish settlement on the occupied West Bank of the Jordan River. It was the second time in a month that the court ordered such work stopped.

Chile Bans Union Activity

(Santiago, Chile) - The military regime of President Augusto Pinochet issued a series of decrees in early July that drastically undermine the rights of organized labor. The decrees, designed to replace emergency measures that have halted collective bargaining and strikes since Pinochet came to power in a CIA-backed coup six years ago, strips unions of established rights to dues and mandatory affiliation, dismantles existing peasant unions and constrains strikes.

Cuba Would Defend Vietnam

(New Delhi, India) - Cuban soldiers would be willing to defend Vietnam if there were another conflict with China, Cuban Vice President Carlos Rafael Rodriquez said in mid-July. "If China again attacks Vietnam, and there are possibilities of this happening, Cubans would be willing to shed their blood," Rodriquez. "It would be considered a great honor."

Kiribata Gains Independence

(Tarawa, Kiribati) - The Gilbert Islands became the independent republic of Kiribati in July after 87 years of British rule. Kiribati's population of 56,000 is spread over two million square miles of the Pacific Ocean.

North Korea Rejects U.S. Role

(Tokyo) - The North Korean Foreign Ministry recently rejected a proposal for three-way reunification talks between the U.S., and North and South Korea. The North Koreans said the problem of Korean reunification should be solved by the Koreans themselves without any U.S. interference. "On the other hand, the question of withdrawing the U.S. troops from South Korea and replacing the Korean armistice agreement is one to be solved between (North) Korea and the U.S., the actual parties to the . . .agreement," the ministry said.

U.N. Hunger Conference

(Rome, Italy) - Solutions to the problem of feeding the world's over 600 million hungry people were discussed at the two-week U.N.-sponsored World Conference on Agrarian Reform and Rural Development. The draft declaration of principles before the meeting, which will end in late July, contains warnings regarding private investment in poor nations, designed to assure that developing countries maintain control of their own resources. The Rome Declaration Group, sponsor of an alternative conference sharply critical of U.S.-based multinational corporations, has gone further, finding "most" foreign aid programs and "virtually all" private investments harmful to the kind of agrarian reform its members want.

P.L.O. Accuses U.S., Israel

(Beirut, Lebanon) - Palestine Liberation Organization leader Yasser Arafat charged Israel in early July with using U.S.-supplied fragmentation shells, cluster bombs and napalm against civilians in southern Lebanon. Arafat's charge was made at a press conference called to bring world attention to Israel's "daily attacks" on Palestinian refugees and Lebanese in south Lebanon.

Huey: "The D.A. Has Bribed Prosecution Witnesses

CONTINUED FROM COVER
the police and the D.A.'s office investigate Buie's role in the August 6, 1974, murder?

A third major prosecution witness against Huey, prostitute Michelle Jenkins, recanted her testimony during the first trial and admitted that she lied against Huey because of pressure and threats made by the D.A.'s office and Oakland police officers.

Elaborating on Buie's role in the case, Ellis said that "as long as Buie stays in the Witness Protection Program, he cannot be prosecuted for the murder of Kathleen Smith.

"We have substantially new evidence that will be introduced at the next trial that will indicate that Buie was the murderer, that the police knew about it, had leads at the time and never followed them up," the attorney charged.

Continuing, Ellis said, "This information relates to credibility, reliability and believability of witnesses. It is essential to this case.

"In the context of this case, we must remember the history of the district attorney in assisting every prosecution witness. He has gotten them out of jail on their own recognizance and has failed to prosecute numerous misdemeanor and felony charges that have been lodged against them."

Ellis recalled that on the eve of the first trial, it was learned that Jeanette Iles, a prostitute and convicted murderer who was prepared to testify that Huey was at the scene of the Smith killing, was in jail at the time of the incident.

Iles had been offered a reduced sentence in exchange for her testimony.

Joanne West, a confessed dope addict, was forced into court by Orloff near the end of the first trial to testify against Huey. West identified a White male spectator in the courtroom as Smith's killer.

"All of the prosecution witnesses are pimps and prostitutes and have a long criminal history in this community," Ellis pointed out. "These witnesses, to this very day, are continuing to receive enormous benefits, special treatment and favors of different kinds."

Ellis maintained that there is "absolutely" no new evidence to justify Huey's retrial. "Huey Newton is innocent," Ellis emphasized. "We believe that the retrial of this case represents a serious threat to our legal system....

"An incredible amount of pressure and torment has been lodged against Huey, his wife and children, his friends and the Black Panther Party. This is not a game. This is a murder trial. The district attorney has spent thousands and thousands of dollars in pursuit of Huey Newton.

"He (D.A.) took his best shot. There was a full trial, and the community overwhelmingly found Huey innocent. I think it is time we stopped this case. Enough is enough."

A rally for Justice for Huey P. Newton and the Black Panthar Party will be held on Saturday, July 28, from noon to 4 p.m. at deFremery Park, 1651 Adeline Street in Oakland. There will be live entertainment, food and speakers. Admission will be free. For further information, call (415) 638-0195.



MELVIN BLACK

"Black Children Can Never Relax From Police Brutality"

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death claim was filed by the NAACP on behalf of the Black youth's family against the city of Oakland and the OPD.

Peter Cohen, regional attorney for the NAACP, said the administrative claim gives the city a period of time to answer the charges before a formal suit can be filed in superior court.

The city is expected to respond by early August, according to John Ingethron, claims manager for Oakland.

Following the press conference announcing the filing of the wrongful death claim, the Melvin Black Human Rights Committee held a spirited demonstration in front of city hall. Protesters carried picket signs explaining the four demands of the group:

(1) Immediate suspension of the four police officers who killed Melvin pending the completion of all investigations into his killing. (2) The prosecution and conviction of the police officers responsible for Melvin's death. (3) Damages to Melvin's family. (4) Establishment of a People's Police Review Board.

Black Caucus Asked For Congressional Probe Of Malcolm X Murder

CONTINUED FROM PAGE 3
the involvement of a Black, New York undercover cop in the events immediately after the shooting.

Gene Roberts infiltrated Malcolm's newly formed Organization of Afro-American Unity (OAAU) and became one of his top security men. Roberts was never publicly identified as a police agent and never testified at the trial.

Kunstler has described as "highly suspicious" Roberts' attempts to give the wounded Malcolm X "mouth-to-mouth resuscitation" and his disposal of the murder weapon wrestled from Halim.

Roberts later infiltrated the New York State Chapter of the Black Panther Party.

Kunstler also said that another fact which implicates law enforcement officials in the murder was the stark lack of police protection in and around the ballroom where Malcolm was speaking at the Audobon Hotel.

New York City police were well aware that Malcolm's life was in danger, since he had been threatened and attacked repeatedly, argued Kunstler. But there were only a few uniformed cops in the Audubon Ballroom.

Two policemen later testified that their superior had ordered them "to remain in an area where we would not be seen."

Although the present suit does not touch on the role of the CIA and the State Department in Malcolm's killing, evidence has been collected by a number of



Police agent GENE ROBERTS making sure MALCOLM X does not recover from fatal shooting on February 21, 1965, by faking mouth-to-mouth resuscitation.

progressive biographers since 1965 which implicates these agencies as well.

When Malcom attempted to persuade African leaders to bring the question of the denial of human rights to U.S. Blacks before the United Nations, the U.S. government recognized him as a threat.

"We got cables from the State Department that he was a suspicious character and we should keep an eye on him," said William Atwood, former U.S. ambassador to Kenya.

"They wanted to know what he was saying, who he was seeing, whether he was undermining American interests, whether he was spreading false rumors. State was saying 'watch him,' " Atwood explained.

A few weeks before his death, Malcolm's plane landed in France as he returned to the U.S. from Africa. French officials denied Malcolm entrance to the country.

Aides to Malcolm speculated at the time that French officials got wind of a high-level plot to kill him, and did not want him murdered on French soil.

Malcolm's associates recall a previous incident which they believe was also an assassination attempt. In 1964, while eating dinner at a hotel in Cairo, Malcolm became severely ill and was briefly hospitalized. He suspected at the time that he had been poisoned by U.S. agents operating in Egypt.

Just two weeks before his murder, Malcolm's Queens, New York, house was bombed.

Nicaraguan Priest Joins Liberation Movement

CONTINUED FROM PAGE 10

know you best as a poet and pacifist priest with a great following in the Spanish-speaking world. Yet you recently declared yourself a member of the FSLN. How do you reconcile your former belief in Ghandian nonviolence with armed revolutionary struggle?

A: In Nicaragua today, there is no recourse other than revolutionary violence. What is going on is the exact same thing that went on in Hitler's Germany.

Every day, in many places in the country young are being assassinated for the crime of being young. (The) National Guard imagines — and not without reason — that to be young is to be a revolutionary and a Sandinista. And what happens is that a boy leaves in the morning for work, or goes out at night to see his sweetheart, or goes out at night for a drink, and he never returns home. He is captured by some military patrol.

Other times these boys are pulled out of their homes and then their bodies show up in the morgue or in vacant lots by the side of the highway or in garbage bins. Their arms are broken; their eyes torn out; their tongue is cut and they are castrated.

The leader of Somoza's death battalion — the man responsible for these murders — was captured and tried by the Sandinistas. Before his death, he told how his security agents carried out these atrocious crimes. When asked how old were the eldest boys who had been killed, he said 13 or 14 years old.

Against this we realized there was no alternative other than armed struggle and that an exclusively nonviolent revolution was not possible.

Q: What does the word revolution mean now in Nicaragua?

A: It means a popular government — a popular democracy — not a false democracy that's ruled by only one class, the bourgeoisie.

It means a democracy that benefits the worker and the peasant; one that means he will also have power of decision in his work; a government that gives land to all the peasants who don't have it and dignified housing to all Nicaraguans; free medical service to everyone and a free education in a country where now some 70 per cent of 2.5 million Nicaraguans are illiterate. The Sandinistas also want the banks to be at the service of popular development....

Q: Does that mean nationalized?

A: It's possible.



Sandinistas guarding enemy soldiers after capturing National Guard garrison in Leon, Nicaragua.

Q: Would industry be nationalized?

A: No. Only Somoza's property — which accounts for a third of the economy.

Q: What about the other two-thirds?

A: It's in private hands and the Sandinistas are not thinking about nationalizing private business — only Somoza and his principle backers.

Q: What is going on right now in Nicaragua? Is the country engaged in civil war?

A: The international press presents the situation in Nicaragua as a civil war, but it's false. Civil war means the country is divided into two and both sides are at war. There are no two sides in Nicaragua: It's the whole country against the government. It should be called a war of liberation, an insurrection, not a civil war.

Q: Where did the Sandinistas get the weapons to wage this war?

A: We're becoming better and better armed as everyone in the country supports us financially and we are able to buy more weapons.

Q: Do you really mean to say everyone?

A: Yes, even merchants and businessmen. All the opposition forces have joined together in the National Patriotic Front, with the exception of a few parties that have little popular support. These are sectors of the population that want a government just like Somoza's but without Somoza.

Q: There were press reports alleging that Cua was training and arming the Sandinistas — is that true?

A: No. Cuba is not able to intervene in Latin America because the U.S. will not allow it.

The weapons of the Sandinistas are given by the U.S. because the U.S. gave them to the National Guard and the Sandinistas and the people took them away. The U.S. also trains the Sandinistas — not Cuba. Many of them lived in the U.S.—over 70,000 now live in San Francisco—and did their military service there. Some fought for the U.S. in Vietnam. Those Sandinistas, trained by the American army, are now training the rest of the Sandinistas. Others deserted the National Guard that received its training from the U.S.

Q. Have other countries in the Americas, besides the U.S., aided the Sandinistas?

A. Panama has sent soldiers; a Panamanian brigade is now fighting in the Sandinista army.

All the democratic, progressive countries of Latin America are supporting the struggle in Nicaragua. Basically, it's moral support from countries like Venezuela, Mexico, Panama, Costa Rica.

The people of the U.S. could help us too, like thev helped the Vietnamese during the Vietnam War.

Pressure the U.S. to stop giving arms to the dictatorship. Even though Carter says military aid to Nicaragua has been stopped, (the National Guard) is receiving weapons from the U.S. through the Israeli government.

A big campaign in the U.S. could force Carter to stop supporting the dictatorship or face losing the election, much like what happened to Johnson during the Vietnam war.

Z.A.N.U. Condemns Rhodesian Puppet Leader

CONTINUED FROM PAGE 10

less refugees and innocent civilians in these countries. This man should not be allowed to run with murder. The progressive international community should expose and oppose him wherever he may be.

On our part, we shall continue to intensify revolutionary armed struggle until total victory. Total power has to be transferred from the Smith colonial regime to the people of Zimbabwe, whose recognized national liberation movement is the Patriotic Front. With two-thirds of Zimbabwe now under our full control and occupation, we shall increase our blows on the doorsteps of Salisbury.

It will not be too long before the Smith-Muzorewa clique joins the (deposed) shah of Iran and Nicaraguan President Anastasio Somoza.

THE BLACK PANTHER PARTY PROGRAM

MARCH 29, 1972 PLATFORM

WHAT WE WANT, WHAT WE BELIEVE

1. WE WANT FREEDOM. WE WANT POWER TO DETERMINE THE DESTINY OF OUR BLACK AND OPPRESSED COMMUNITIES.

We believe that Black and oppressed people will not be free until we are able to determine our destinies in our own communities ourselves, by fully controlling all the institutions which exist in our communities.

2. WE WANT FULL EMPLOYMENT FOR OUR PEOPLE.

'We believe that the federal government is responsible and obligated to give every person employment or a guaranteed income. We believe that if the American businessmen will not give full employment, then the technology and means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. WE WANT AN END TO THE ROBBERY BY THE CAPITALIST OF OUR BLACK AND OPPRESSED COMMUNITIES.

We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules were promised 100 years ago as restitution for slave labor and mass murder of Black people. We will accept the payment in currency which will be distributed to our many communities. The American racist has taken part in the slaughter of over fifty million Black people. Therefore, we feel this is a modest demand that we make.

4. WE WANT DECENT HOUSING, FIT FOR THE SHELTER OF HUMAN BEINGS.

We believe that if the landlords will not give decent housing to our Black and oppressed communities, then housing and the land should be made into cooperatives so that the people in our communities, with government aid, can build and make decent housing for the people.

5. WE WANT EDUCATION FOR OUR PEOPLE THAT EXPOSES THE TRUE NATURE OF THIS DECADENT AMERICAN SOCIETY. WE WANT EDUCATION THAT TEACHES US OUR TRUE HISTORY AND OUR ROLE IN THE PRESENT-DAY SOCIETY.

We believe in an educational system that will give to our people a knowledge of self. If you do not have knowledge of yourself and your position in the society and the world, then you will have little chance to know anything else.

6. WE WANT COMPLETELY FREE HEALTH CARE FOR ALL BLACK AND OPPRESSED PEOPLE.

We believe that the government must provide, free of charge, for the people, health facilities which will not only treat our illnesses, most of which have come about as a result of our oppression, but which will also develop preventative medical programs to guarantee our future survival. We believe that mass health education and research programs must be developed to give all Black and oppressed people access to advanced scientific and medical information, so we may provide ourselves with proper medical attention and care.

7. WE WANT AN IMMEDIATE END TO POLICE BRUTALITY AND MURDER OF BLACK PEOPLE, OTHER PEOPLE OF COLOR, ALL OPPRESSED PEOPLE INSIDE THE UNITED STATES.

We believe that the racist and fascist government of the United States uses its domestic enforcement agencies to carry out its program of oppression against Black people, other people of color and poor people inside the United States. We believe it is our right, therefore, to defend ourselves against such armed forces and that all Black and oppressed people should be armed for self-defense of our homes and communities against these fascist police forces.

8. WE WANT AN IMMEDIATE END TO ALL WARS OF AGGRESSION.

We believe that the various conflicts which exist around the world stem directly from the aggressive desires of the U.S. ruling circle and government to force its domination upon the oppressed people of the world. We believe that if the U.S. government or its lackeys do not cease these aggressive wars that it is the right of the people to defend themselves by any means necessary against their aggressors.

9. WE WANT FREEDOM FOR ALL BLACK AND OPPRESSED PEOPLE NOW HELD IN U.S. FEDERAL, STATE, COUNTY, CITY AND MILITARY PRISONS AND JAILS. WE WANT TRIALS BY A JURY OF PEERS FOR ALL PERSONS CHARGED WITH SO-CALLED CRIMES UNDER THE LAWS OF THIS COUNTRY.

We believe that the many Black and poor oppressed people now held in U.S. prisons and jails have not received fair and impartial trials under a racist and fascist judicial system and should be free from incarceration. We believe in the ultimate elimination of all wretched, inhuman penal institutions, because the masses of men and women imprisoned inside the United States or by the U.S. military are the victims of oppressive conditions which are the real cause of their imprisonment. We believe that when persons are brought to trial that they must be guaranteed, by the United States, juries of their peers, attorneys of their choice and freedom from imprisonment while awaiting trials.

10. WE WANT LAND, BREAD, HOUSING, EDUCATION, CLOTHING, JUSTICE, PEACE AND PEOPLE'S COMMUNITY CONTROL OF MODERN TECHNOLOGY.

When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, when ever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

SUIT CHALLENGES AFFIRMATIVE ACTION STATISTICS

1,000 BLACK WORKERS CHARGE S.F. COMPANY WITH RACIAL BIAS

(San Francisco, Calif.) - A racial discrimination suit joined by more than 1,000 Black employees of the Bechtel Corporation here could stretch the boundaries of affirmative action programs at the very time they are being threatened by the Bakke and formerly, the Weber "reverse discrimination" decisions.

Bechtel, the secretive, privately owned engineering and construction firm headquartered in San Francisco, faces a class action suit seeking relief under Title VII of the 1964 Civil Rights Act against discriminatory employment practices.

The suit was filed in 1975 by Spotsel L. Boyd and three other Blacks, and expanded in 1978 to include 405 present and 600 former employees, the *Oakland Post* reports.



Black woman steelworker.

"This is pretty significant," said a member of the Black Bechtel Employees Committee (BBEC), the internal organizing force. "A majority of the Blacks who work for Bechtel are secretaries and clerks, many of them single parents who are scared of losing their jobs."

In a related Title VII class action suit, nearly 6,400 women have charged the company with most of the same discriminatory practices.

Bechtel maintains there is no discriminations and says it is supported by the available statistics.

Workforce statistics have traditionally been used in Title VII cases to show how many minority employees are in various job categories, compared with the number in the job market. But Boyd's case has challenged this method of proof.

The Black employees charge that the company "fine-tuned" raw statistical data before handing it to an outside expert for evaluation. In support, the plaintiffs are gathering hundreds of personal affidavits and other evidence.

For instance, Cynthia Stebling, a Black woman with a bachelor of science degree, was hired in 1973 as a lower level clerk. During her first year and a half with the company she claims she was neither evaluated nor promoted.

Later she was moved to a receptionist job. The White woman who replaced her in the first position entered at a salary level eight grades higher—and was given an assistant.

Stebling received a Master's degree in public administration in June, 1978. When she was still not advanced but instead was asked to train a White person as her superior, she joined in the discrimination suit.

In 1978, because she still saw no advance at Bechtel, she resigned.

The present legal maneuvering in the Boyd case involves a controversial out-of-court settlement made by attorneys in November, 1978, and since repudiated by 23 per cent of the plaintiffs and 48 per cent of the current Black employees.

New attorneys have since replaced the original teams which had relied on raw statistical data supplied by Bechtel to arrive at what NAACP Regional Director Oliver Jones calls a "sweetheart deal." The NAACP entered the case in April, 1979.

Bechtel employed Stanford Research Institute statistician Richard Singleton, an acknowledged expert, to conduct various analyses of the workforce based on figures supplied by the company.

Singleton's analysis "showed all the numbers for Blacks and other employees were in reasonable relationship to each other and that Bechtel's affirmative action during the years covered by the lawsuit yielded positive results," said Bechtel's counsel.

"We settled," said Mark Rudy, former counsel for the employees, "based on our analysis of the workforce. We noted that in the early '70's Bechtel was riding on the fact that there were not many Black engineers available.

"But there was a gradual improvement after 1975, and we were told by the judge that it would be harder to prove a pattern and practice of discrimination," he said.

Under the terms of the settlement, Bechtel would admit to no discrimination, and would not be required to improve its employment practices. Each of the four original plaintiffs was to be paid $5,000 while $120,000 was to be divided among the rest of the class action plaintiffs, and $160,000 more paid in legal fees.

The settlement would also shut the door to further discrimination claims by an individual plaintiff.

"I am not aware of any other Title VII settlement as weak as this one," noted Scott, present attorney for the Black employees.

Scott and his law partner have been retained by the NAACP and the Black Bechtel Employees Committee in an attempt to set aside the proposed settlement and get the class action suit back in gear.

Federal Judge William Orrick is currently looking at the new data, and attorneys are awaiting his decision. ☐

Weber Decision: "A Limited Victory"

CONTINUED FROM PAGE 3

question of jobs.

"Brian Weber cannot escape the true significance of his defeat, which is that he ended up hurting White workers rather than helping them, by bringing his suit, since he contributed immensely to the myth that the aims of White workers clash with the aims of minority workers.

"This myth is of paramount importance to corporate U.S.A., since it enables employers to keep their workforce divided and prevent the kind of organizing and cooperation that could do so much toward bettering the conditions of all workers, whether they be Black or White," the *Sun Reporter* said.

"It is the Brian Webers of this world that we have to thank for situations in which employers are able to pit their minority workers against their White workers over such issues as seniority vs. affirmative action, when in fact. . . both seniority and affirmative action are manifestations of the same progressive struggle waged by workers against bosses for job security and the right to organize without fear of harassment.

"It is also the Brian Webers that we can thank when bosses are able to lock out striking White workers and hire desperate and unemployed Blacks in their place at half the price, thus exploiting Blacks and stabbing Whites in the back in one fell swoop," the *Sun Reporter* said.

In its ruling, the Supreme Court said that Weber, a 32-year-old White lab technician for Kaiser Aluminum in Gramercy, Louisiana, was not a victim of "reverse discrimination" when in 1974 he was excluded from an on-the-job program designed to help Blacks.

PRESSURED

Kaiser was pressured to institute the program under threat of loss of federal contracts. Its defense of the program in the case was token, and the corporation refused to admit past discrimination.

The challenged affirmative action program was part of a nationwide agreement reached in 1974 through collective bargaining between Kaiser and the United Steelworkers. It covered 15 Kaiser plants throughout the country and was designed to remedy the almost complete absence of Black workers from skilled jobs in the aluminum industry.

The agreement called for the creation of special training programs, open to Blacks and Whites on a 50-50 basis, which would remain in operation until the number of Blacks in skilled jobs reached the proportion of Blacks in the labor force from which the individual plants recruited.

At Kaiser's plant in Gramercy, the area's workforce was 43 per cent Black. Blacks, however, made up fewer than two per cent—five out of 273—of the skilled workers at the plant. ☐